

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

F & M CASHIER'S CHECK #63580 IN
THE AMOUNT OF THIRTY-EIGHT
THOUSAND SEVEN HUNDRED FIVE
DOLLARS AND EIGHTY-FIVE
CENTS (\$38,705.85),

Defendant.

No. 07-CV-00088-LRR

**ORDER AND DECREE OF
FORFEITURE**

The matter before the court is Plaintiff The United States of America's ("Plaintiff") Motion for Summary Judgment and Decree of Forfeiture ("Motion") (docket no. 6), filed on January 30, 2008. No party or claimant filed a resistance to the Motion, and the time for doing so has expired. *See* LR 56.b (providing twenty-one days to file resistance); LR 6 (providing an additional three days for electronic service). Any resistance to the Motion was due on February 25, 2008.

On August 31, 2007, Plaintiff filed a Verified Complaint for Forfeiture *in rem* ("Complaint") against F & M Cashier's Check #63580 in the Amount of Thirty-Eight Thousand Seven Hundred Five Dollars and Eighty-Five Cents (\$38,705.85) ("Defendant Property").

The Complaint alleges the Defendant Property represents proceeds involved in money laundering subjecting the Defendant Property to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) and property used in the structuring of deposits to evade the reporting requirements of 31 U.S.C. § 5313(a), subjecting the Defendant Property to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

Plaintiff seeks a final decree of forfeiture against the Defendant Property.

It appearing that process was fully issued in this action and returned according to law:

That the administrative forfeiture commenced against the Defendant Property by the Internal Revenue Service was contested by Gary Loney and Sarah Loney. The forfeiture was then referred to the United States Attorney's Office for the Northern District of Iowa to file a civil judicial forfeiture action against the Defendant Property;

That upon referral to the United States Attorney's Office in the Northern District of Iowa, Plaintiff filed the instant action on August 31, 2007;

That the court issued a Warrant of Arrest *in rem* on September 5, 2007 ("Warrant") for the arrest of the Defendant Property;

That on September 13, 2007, the Internal Revenue Service took custody of the Defendant Property;

That on September 17, 2007, September 24, 2007 and October 1, 2007, the Internal Revenue Service, Criminal Investigative Division, United States Department of the Treasury, published notice of the forfeiture in the *Cedar Rapids Gazette*, a newspaper having general circulation in the area in which the illegal activities occurred and in which the Defendant Property was seized;

That on September 13, 2007, the Internal Revenue Service, Criminal Investigative Division, United States Department of the Treasury, served Gary Loney, Sarah Loney, and Gary and Sarah Loney's attorney, William Sidney Smith, with a copy of the Complaint and Warrant by certified mail;

That on September 27, 2007, Gary Loney and Sarah Loney filed a Verified Claim in this action;

That on January 15, 2008, Gary Loney and Sarah Loney filed a Withdrawal of Verified Claim;

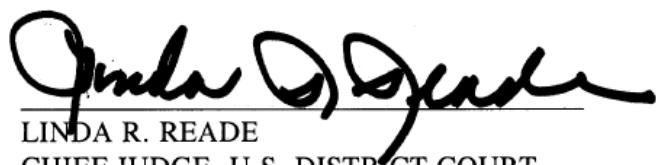
That on January 30, 2008, Plaintiff filed the Motion;
That neither Gary Loney nor Sarah Loney filed an answer in this action;
That neither Gary Loney nor Sarah Loney filed a Resistance to the Motion; and
That no other claimant or party has filed a Resistance to the Motion.

In light of the foregoing, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff's Motion (docket no. 6) is **GRANTED**;
- (2) The F & M Cashier's Check #63580 in the amount of thirty-eight thousand seven hundred five dollars and eighty-five cents (\$38,705.85) is hereby forfeited to Plaintiff, and no right, title or interest in the property shall exist in any other party;
- (3) The Secretary of the United States Treasury shall dispose of the Defendant Property and shall deposit the proceeds, after all expenses have been deducted, into the United States Treasury Asset Forfeiture fund to be disbursed according to the law; and
- (4) The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

DATED this 26th day of February, 2008.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA